

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DERRICK WHEATT, <i>et al.</i>,)	CASE NOS.: 1:17-CV-0377
)	and 1:17-CV-0611
Plaintiffs,)	
)	JUDGE JAMES S. GWIN
v.)	
)	MAGISTRATE JUDGE WILLIAM H
CITY OF EAST CLEVELAND, <i>et al.</i>,)	BAUGHMAN, JR.,
)	
Defendants.)	

NOTICE PER COURT ORDER OF 5/11/20

All parties are hereby noticed that although East Cleveland Law Director per Order [R. 418; Page ID#9050], notwithstanding R.C. 2744.07, is removing herself from representing City Defendants' Executrix Karen Alexander-Perry and Vincent Johnstone, notifying them of same on the issue of Indemnification, the City has agreed to Indemnify the aforesaid Defendants hereby rendering any true cause or controversy as to any within parties with standing on the issue of Indemnification, moot. See *Ayres v. City of Cleveland*, 2020-OH-1047; as well as the observation of the Sixth Circuit Court of Appeals COA No. 19-3576 [R 27-2; Page ID 2] regarding the status of the instant matter that, recognizing the federal law of comity, "The district court held Plaintiff's motion to reinstate in abeyance pending the Ohio Supreme Court's decision in *Ayers v. City of Cleveland, et al*, Case No. 2018-082." Defendants' Indemnification Counsel have been so advised, as well.

The Indemnification issue being now resolved by *Ayers, Id.*, the instant case in its entirety should be ripe for a final appealable order.

Respectfully submitted,

/s/ Willa M. Hemmons

Willa M. Hemmons, Esq. (0041790)
Law Director
City of East Cleveland
14340 Euclid Avenue
East Cleveland, Ohio 44112
whemmons@eastcleveland.org
Counsel for the City of East Cleveland

CERTIFICATE OF SERVICE

A true and accurate copy of *East Cleveland's Notice Per Court Order* electronically filed with the Court on this 13th day of May, 2020; and, that by operation of this Court's electronic notification system a copy thereof is made available to all registered parties. In addition, a courtesy copy of this filing has been served by email to Howard S. Rabb, Esq., bankruptcy counsel for Defendant Michael/Karen Perry, at: hrabb@dworkenlaw.com.

/s/ Willa M. Hemmons

Attorney for City of East Cleveland

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(f), I hereby certify that the foregoing Memorandum complies with the 15 page limitation for memoranda relating to a non-dispositive motion in a case assigned to the Standard Track.

/s/ Willa M. Hemmons